

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16284 of 2011**

Rita Kumari @ Rita Sudhanshu, wife of Late Sukhdeo Pd. Sah, Resident of Village- Mahthawa, P.S. Bhargama, District- Arariya.

... .. Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Purnea.
3. The District Magistrate, Araria.
4. The Deputy Development Commissioner-Cum-Chief Executive Officer, Araria
5. The District Superintendent of Education, Araria
6. The District Programme Officer, Araria
7. Rekha Devi, Wife Of Kamleshwari Sah, Resident of Village- Kohwara Bishanpur, P.S. Block- Ranignaj, District- Araria.

... .. Respondents

**Appearance :**

|                      |   |                                                                                                             |
|----------------------|---|-------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Vinay Kumar Singh, Advocate<br>Mr. Bijendra Kumar Singh, Advocate<br>Ms. Sweta Raj, Advocate            |
| For the State        | : | Mr. Manoj Kumar Yadav, A.C. to G.A.-10                                                                      |
| For Resp. No.7       | : | Mr. Ramesh Kumar Choudhary, Advocate<br>Mr. Shyam Kishore Sharma, Advocate<br>Mr. Rajeshwar Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL JUDGMENT**

**Date : 13-03-2019**

Heard learned counsel appearing for the respective parties.

2. In the present case, the petitioner is challenging the selection and recruitment of Rekha Devi, respondent no.7, as Mahila Supervisor.

3. The facts of this case are that 25% Mahila



Supervisor is reserved for appointment by promotion from the Anganbari Sevika and for that an advertisement was published on 10.06.2010, inviting applications from interested Anganbari Sevikas for selection and recruitment to the post of Mahila Supervisor. In pursuance thereof, the petitioner and respondent no.7 having filed their respective applications and finally the respondent no.7 has been appointed as Mahila Supervisor whereas the petitioner could not succeed to get the post of Mahila Supervisor.

4. The petitioner was appointed as Anganbari Sevika on 16.07.1994 whereas the respondent no.7 was appointed as Anganbari Sevika on 24.08.1998, so the petitioner was senior by four years. As per the Advertisement, the Character Certificate has to be issued by the Gazetted Officer and the Experience Certificate was required to be issued by the C.D.P.O. of the area concerned.

5. Learned counsel for the petitioner submits that the petitioner is senior by four years and accordingly, she obtained better marks in bonus, but finally the petitioner could not be selected whereas the respondent no.7, who was appointed in the year 1998 has secured her appointment illegally.



6. In contra, learned counsel for the private respondent no.7 has pointed out that 10 point bonus will be given those who completed 10 years' continuous service and thereafter for each year of service one point bonus will be given to the applicant, admittedly, on calculation the petitioner would secure better marks than to respondent no.7, but the petitioner has failed to submit the Experience Certificate issued by the C.D.P.O., which made her unsuccessful, is reflected from Annexure-E to the counter affidavit, from where it appears that though the petitioner has produced the Character Certificate but has not produced the Experience Certificate issued by the C.D.P.O., she gave an undertaking that she will deposit the Experience Certificate issued by the C.D.P.O. by 14.02.2011, which the petitioner failed to do so and on that account, the petitioner failed to secure better marks than to respondent no.7 and finally she has not been selected.

7. Having considered the rival contentions of the parties, from the advertisement it appears that the certificate of Experience was required to be issued from the office of the C.D.P.O. of the area concerned and Character Certificate has to be issued by the Gazetted Officer. It has also been provided in the advertisement in what manner the bonus points to be



calculated.

8. Mr. Vinay Kumar Singh, learned counsel for the petitioner submits that the petitioner has submitted the Experience Certificate, but when the Court has asked as to whether any such statement has been made in the petition or affidavit, he failed to point out the same. *Prima facie*, it appears that the petitioner has failed to produce the Experience Certificate issued from the office of the C.D.P.O., is the reason for her non-selection.

9. In such view of the matter, this Court does not find any illegality in the act of selecting the respondent no.7 as Mahila Supervisor. Hence, this writ petition is devoid of any merit, accordingly, the same is dismissed.

**(Shivaji Pandey, J)**

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